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7 Attorney for Luther James Wyatt

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9 **UNITED STATES DISTRICT COURT**  
10 **DISTRICT OF NEVADA**

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 LUTHER JAMES WYATT,

15 Defendant.

Case No. 2:21-mj-00293-DJA

16  
17 **ORDER TO CONTINUE**  
**PRELIMINARY HEARING AND**  
**BRIEFING DEADLINES**  
(First Request)

18 IT IS HEREBY STIPULATED AND AGREED, by and between Christopher Chiou,  
19 Acting United States Attorney, and Brett Ruff, Assistant United States Attorney, counsel for  
20 the United States of America, and Rene L. Valladares, Federal Public Defender, and Kathryn  
21 C. Newman, Assistant Federal Public Defender, counsel for Luther James Wyatt, that the  
22 Preliminary Hearing currently scheduled on April 12, 2021, be vacated and continued to a date  
and time convenient to the Court, but no sooner than four (4) days.

23 IT IS FURTHER STIPULATED AND AGREED, that government counsel shall have  
24 to and including April 12, 2021, to file briefing and defense counsel shall have to and including  
25 April 13, 2021, to file a response.

26 This Stipulation is entered into for the following reasons:

1           1.     The Court has ordered briefing on whether Mr. Wyatt is entitled to a  
2 preliminary hearing in this district. The government argues that he is not entitled to a pretrial  
3 hearing. The government's opening brief is due today, April 8, 2021.

4           2.     Mr. Wyatt and his counsel have not been able to confer about whether he will  
5 waive any right to a preliminary hearing in this district due to limited availability of video  
6 conferencing and phone resources at Nevada Southern Detention Center. Such a waiver would  
7 moot not only the briefing but the possibility of a hearing before the Court.

8           3.     Defense counsel has scheduled a 9:00 a.m. videoconference with her client on  
9 Friday, April 9, 2021. She has agreed to provide the government with his decision following  
10 that call.

11          4.     The additional time requested preserves the parties' positions and their  
12 resources, as well as the Court.

13                 This is the first request for continuance filed herein.

14                 DATED this 8th day of April, 2021.

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16         RENE L. VALLADARES  
17         Federal Public Defender

             CHRISTOPHER CHIOU  
             Acting United States Attorney

18                 /s/ Kathryn C. Newman  
19         By \_\_\_\_\_

             /s/ Brett Ruff  
             By \_\_\_\_\_

20         KATHRYN C. NEWMAN  
21         Assistant Federal Public Defender

             BRETT RUFF  
             Assistant United States Attorney

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,  
4 Plaintiff,  
5 v.  
6 LUTHER JAMES WYATT,  
7 Defendant.  
8

Case No. 2:21-mj-00293-DJA  
**ORDER**

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10 Based on the Stipulation of counsel and good cause appearing,  
11 IT IS THEREFORE ORDERED that the Preliminary Hearing currently scheduled on  
12 April 12, 2021 at 11:00 a.m., be vacated and continued to \_\_\_\_\_  
13 April 19, 2021 at 11:00 a.m..

14 IT IS FURTHER STIPULATED AND AGREED, that government counsel shall have  
15 to and including April 12, 2021, to file briefing and defense counsel shall have to and  
16 including April 13, 2021, to file a response.

17 DATED this 8<sup>th</sup> day of April, 2021.



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19 \_\_\_\_\_  
20 DANIEL J. ALBREGTS, U.S. Magistrate Judge  
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